

Ernie Fletcher
Governor

LaJuana S. Wilcher
Secretary
Environmental and Public
Protection Cabinet



Environmental Quality Commission
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Environmental Quality Commission

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May 27, 2005

LaJuana S. Wilcher, Secretary
Environmental and Public Protection Cabinet
Capital Plaza Tower
Frankfort, KY 40609

Dear Secretary Wilcher:

The Kentucky Environmental Quality Commission (EQC) reviewed the findings of the Black Water Task Force at its May 26, 2005 public meeting. At the meeting, Susan Bush, Commissioner of the Department for Natural Resources and Don Bowles, a member of the task force, shared with the commission the recommendations of the task force as well as actions to date.

The EQC would like to take this opportunity to commend the Black Water Task Force for its work in seeking solutions to prevent black water spills. Many of these initiatives have already been put in place and these actions will result in fewer black water spills in the Commonwealth.

The commission also wishes to express to you its strong support for the task force recommendation to require emergency action plans at all high and moderate hazard impoundments. EQC, on three separate occasions, has recognized the need to protect the public from possible failures of high and moderate hazard dams and impoundments.

- In 1988, EQC convened a Dam Safety Advisory Committee. The committee unanimously recommended that based on criteria developed jointly developed by the Division of Disaster and Emergency Services and the Division of Water, owners of high hazard impoundments be required to develop and maintain an emergency response/preparedness plan and local DES coordinators receive the plans and hold periodic drills as needed.
- In 2001, after the failure of the Martin County Coal slurry impoundment, EQC recommended that all high hazard impoundments be required to prepare emergency response plans.
- In 2002, after a rash of spills and the new threats posed by terrorist attacks, EQC called for a statewide inventory of all high hazard high/risk facilities and the promulgation of state rules to require emergency action plans for all high and moderate hazard dams and impoundments.

Current EPPC efforts to promote the voluntary adoption of emergency action plans at high and moderate impoundments have not been effective and EQC recommends that the Environmental and Public Protection Cabinet move forward in mandating emergency response plans for high and moderate hazard impoundments in Kentucky. Such plans are critical to saving lives should an emergency occur.

Thank you for your consideration of these recommendations. Please feel free to contact the commission if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindell Ormsbee".

Lindell Ormsbee, Chair, Environmental Quality Commission

Cc: Susan Bush, Department for Natural Resources